

**TRANSMITTAL LETTER TO THE U.S. DESIGNATED OFFICE (DO/US)--  
ENTRY INTO THE U.S. NATIONAL STAGE UNDER CHAPTER I**

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/ES2004/070031	4 MAY 2004	9 MAY 2003
TITLE OF INVENTION		
INTERMEDIATE COMPOUND WHICH IS USED FOR THE PREPARATION OF PIOGLITAZONE		
APPLICANT(S)		
DURAN LOPEZ, Ernesto		

Mail Stop PCT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Optional Customer No. Bar Code



00140

PATENT TRADEMARK OFFICE

ATTENTION: DO/US

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))****CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is *mandatory*;  
Express Mail certification is *optional*.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. 1.8(a) 37 C.F.R. 1.10\*

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**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office, to (703) 872-9306

Signature

Geraldine Marti

(type or print name of person certifying)

Date: December 19, 2006

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

**WARNING:** *No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

**NOTE:** *The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).*

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

**NOTE:** *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

If a fee is required, please charge deposit account 12-0425.

Reg. No. 31,053

Tel. No.: (212)708-1915

Customer No.: 00140

  
SIGNATURE OF PRACTITIONER

JOHN RIHARDS

(type or print name of practitioner)

\_\_\_\_\_  
P.O. Address

\_\_\_\_\_  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

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PATENT TRADEMARK OFFICE

ATTENTION: DO/US

## INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached English-language version of an International-type Search Report from a foreign office in respect of counterpart PCT/ES2004/070031 that indicates the degree of relevance found by the foreign office.

## CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

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37 C.F.R. 1.8(a)

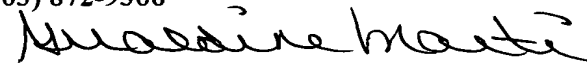
37 C.F.R. 1.10\*

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Mailing Label No. EV 815 587 350 US  
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## TRANSMISSION

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Signature

Date: December 19, 2006GERALDINE MARTI

(type or print name of person certifying)

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The Search Report makes consideration of any non-English art required. MPEP 609. Form PTO-1449 is also attached with reference copies (first page only for U.S. Patent publications).

Reg. No. 31,053

Tel. No.: (212)708-1915

Customer No.: 00140

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

JOHN RICHARDS

*(type or print name of practitioner)*

P.O. Address

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

<b>FORM PTO-1449     U. S DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)		<b>ATTY. DOCKET NO.</b>		<b>SERIAL NO.</b>	
		<b>U 016011-9</b>		<b>10/555,659</b>	
		<b>APPLICANT</b>			
		<b>Ernesto DURAN LOPEZ</b>			
		<b>FILING DATE</b>		<b>GROUP</b>	
<b>U.S. PATENT DOCUMENTS</b>					
<b>EXAMINER INITIALS</b>	<b>REFERENCE DESIGNATION</b>	<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>FILING DATE IF APPROPRIATE</b>
	AA	4,687,777	08/1987	Meguro et al.	
	AB				
	AC				
	AD				
	AE				
	AF				
	AG				
	AH				
	AI				
	AJ				
	AK				
<b>FOREIGN PATENT DOCUMENTS</b>					
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>TRANSLATION</b>
					<b>YES     NO</b>
	AL	02/088120	11/2002	WO	
	AM	8-325263	12/1996	JP	X
	AN				
	AO				
	AP				
<b>OTHER ART     (Including Author, Title, Date, Pertinent Dates, Etc.)</b>					
	AQ	Patent Abstract of Japan of 8-325263 dated December 10, 1996			
	AR	Patent Abstract of Japan of 2000-344748 dated December 12, 2000			
	AS				
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>		
<b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					